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Attorneys for Plaintiff EDGAR SOLIS

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

EDGAR SOLIS,

Plaintiff,

vs.

STATE OF CALIFORNIA; and
MICHAEL BELL,

Defendants.

Case No.: 5:23-cv-00515-HDV-JPR

[*Honorable Hernán D. Vera*]

Magistrate Judge Jean P. Rosenbluth

**NOTICE OF LOCAL RULE 79-
5.2.2(b) EX PARTE APPLICATION
AND EX PARTE APPLICATION
FOR LEAVE TO FILE UNDER
SEAL EXHIBIT IN SUPPORT OF
PLAINTIFF'S MOTIONS IN
LIMINE**

[LOCAL RULE 79-5.2.2(b)]

[Declaration of Marcel F. Sincich,
Notice of Manuel Filing, and
[Proposed] Order *filed concurrently
herewith*]

Hearing on Motions in Limine:

October 1, 2024 at 09:00 a.m.

Final Pretrial Conference:

October 8, 2024 at 10:00 a.m.

Jury Trial

October 29, 2024 at 09:00 a.m.

Ctrm: 10D

APPLICATION TO FILE UNDER SEAL

Pursuant to L.R. 79-5.2.2(b), Plaintiff EDGAR SOLIS, hereby respectfully submit their application to file under seal the following document, attached an exhibit to the Declaration of Marcel F. Sincich in Support of Plaintiff's Motions *in Limine*: the March 8, 2022, Initial Statement of Defendant Officer Michael Bell contemporaneously describing the incident.

The basis for seeing this request is that documents subject to the Protective Order are necessary to Plaintiff's Motions *in Limine*, which were filed on September 10, 2024.

These documents have been designated by Defendants as confidential pursuant to the protective order entered by Magistrate Judge Jean P. Rosenbluth on August 31, 2023 (Doc. 37). Defendants designated these documents as "Confidential."

Local Rule 7-19 Compliance

Prior to filing this *ex parte* application, Plaintiff's counsel contacted Defense counsel, both by email and telephone, in compliance with Local Rule 7-19 through 7-19.1. (See Sincich Decl. at ¶¶ 2-3.)

Defense counsel is:

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Attorneys for Defendant STATE OF CALIFORNIA and MICHAEL BELL

In advance of Plaintiff's Application, counsel for Plaintiff and Defendants corresponded regarding Plaintiff's intention to file exhibits that are subject to the

1 Protective Order. It is Plaintiff's understanding that Defendants will oppose this
2 Application given that Plaintiffs request these documents to be filed regularly.

3 Plaintiff's counsel provided defense counsel with a copy of the Declaration of
4 Marcel F. Sincich pursuant to L.R. 79-5.2.2(b). *See* Sincich Decl. at ¶¶9-10.

5 Plaintiff files this application pursuant to L.R. 79-5.2.2(b) on an *ex parte* basis
6 because this exhibit is necessary to Plaintiff's Motions *in Limine*, and by the time
7 the parties finished their conference of counsel and Plaintiff began drafting his
8 motions, there was insufficient time in advance of the September 10, 2024, filing
9 deadline for motions *in limine* for hearing of this application to be heard as a
10 regularly noticed motion. *Id.* at ¶4.

11 Plaintiff contends that this statement of the shooting officer directly relates to
12 this civil right officer-involved shooting case and necessary to Plaintiff's motions in
13 limine. Plaintiff contends that this document is not confidential, and that nothing in
14 this document requires secrecy from the public on these public issues. Further, this
15 document should not be hidden from the public because it establishes a disputed
16 issue of material fact and evidentiary issues that must be ruled upon prior to trial.

17 For the reasons set forth in the Declaration of Marcel F. Sincich in Support of
18 Application for Leave to File Under Seal an Exhibit in Support of Plaintiff's
19 Motions *in Limine*, filed concurrently herewith, **Plaintiff respectfully request that**
20 **this Court DENY this application, and order that this document be filed**
21 **regularly through the Court's CM/ECF system.**

22
23 Respectfully submitted,

24 Date: September 10, 2024

LAW OFFICES OF DALE K. GALIPO

25 */s/ Marcel F. Sincich*

26 Dale K. Galipo

27 Marcel F. Sincich

Attorneys for Plaintiff